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Attorney Docket No. P19004

In re application of: Robert R. BUSHEY et al.

Mail Stop Appeal Brief-Patents

Group Art Unit : 2179

Application No. : 09/578,904

Filed : May 26, 2000

Examiner : Xiomara L. Bautista

For : METHOD FOR INTEGRATING USER MODELS TO INTERFACE DESIGN

Mail Stop Appeal Brief-Patents

Commissioner for Patents

U.S. Patent and Trademark Office

Customer Service Window, Mail Stop Appeal Brief-Patents

Randolph Building

401 Dulany Street

Alexandria, VA 22314

Sir:

Transmitted herewith is a **Pre-Appeal Brief Request for Review** in the above-captioned application.

☐ Small Entity Status of this application under 37 C.F.R. 1.9 and 1.27 has been established by a previously filed statement.

☒ A Notice of Appeal.

☐ A Request for Extension of Time.

☐ No additional fee is required.

The fee has been calculated as shown below:

Claims After Amendment	No. Claims Previously Paid For	Present Extra	Small Entity		Other Than A Small Entity	
			Rate	Fee	Rate	Fee
Total Claims: 18	*20	0	x25=	\$	x 50=	\$ 0.00
Indep. Claims: 3	**3	0	x100=	\$	x200=	\$ 0.00
Multiple Dependent Claims Presented			+180=	\$	+360=	\$ 0.00
Extension Fees for ___ Month(s)				\$		\$ 0.00
Notice of Appeal Filing Fee						\$500.00
Total:				\$	Total:	\$500.00

* If less than 20, write 20

** If less than 3, write 3

☐ Please charge my Deposit Account No. 19-0089 in the amount of \$_____.

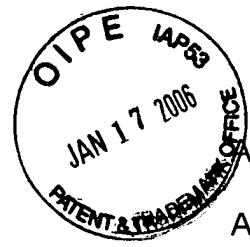
☒ A check in the amount of \$500.00 to cover the filing fee is included.

☒ The U.S. Patent and Trademark Office is hereby authorized to charge payment of the following fees associated with this communication or credit any overpayment to Deposit Account No. 19-0089.

☒ Any additional filing fees required under 37 C.F.R. 1.16.

☒ Any patent application processing fees under 37 C.F.R. 1.17, including any required extension of time fees in any concurrent or future reply requiring a petition for extension of time for its timely submission (37 C.F.R. 1.136(a)(3)).

William E. Lyddane
 Bruce H. Bernstein
 Reg. No. 29,027 William E. Lyddane
 Reg. No. 41,568



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants : Robert R. BUSHEY et al.
Group Art Unit : 2179
Appl. No. : 09/578,904
Examiner : Xiomara L. BAUTISTA
Filed : May 26, 2000
Confirmation No. : 8391
For : METHOD FOR INTEGRATING USER MODELS TO INTERFACE
DESIGN

PRE-APPEAL BRIEF REQUEST FOR REVIEW

Commissioner for Patents
U.S. Patent and Trademark Office
Customer Service Window, Mail Stop Appeal Brief-Patents
Randolph Building
401 Dulany Street
Alexandria, VA 22314

Sir :

In response to the Official Action of October 14, 2005, in which a three-month shortened statutory period for response was set to expire on January 17, 2006, (January 14 being a Saturday and January 16 being a Federal holiday) and for which a Notice of Appeal is being concurrently filed, applicants respectfully request a Pre-Appeal Brief Panel to review and withdraw the outstanding rejections set forth in the Official Action in view of the following remarks.

REMARKS

In the outstanding Official Action, claims 1 and 2 have been rejected as being unpatentable over FENG in view of NAHABOO et al. in further view of SZLAM et al. Claims 3, 4, 6, 7, 9, 11, 12, 14, 15, and 17 were rejected under 35

U.S.C. § 103(a) as being unpatentable over FENG in view of NAHABOO et al. Claims 5, 8, 10, 13, 16, and 18 were rejected under 35 U.S.C. § 103(a) as being unpatentable over FENG in view of NAHABOO et al. in further view of ABELOW. Applicants respectfully traverse.

Claim 1 recites applying models to interface design, interactive interface testing, and interface system deployment. Of course, simply designing and testing interfaces is well known. However, applying the claimed models to such processes is believed to be novel. Pages 14 and 15 of the specification provide examples of applying models to interface design.

It is submitted that merely selecting from *pre-set* browser interface models (as taught by FENG, see for example col. 2, lines 51 - 62) is patentably distinguishable from *designing* an interface, as claimed. In other words, selecting something already designed (i.e., pre-set) is different from actually designing. It is believed that FENG does not teach designing a user interface, but rather teaches selecting pre-set models. At best, FENG relates to interface system deployment. Nor does the Examiner appear to even assert that FENG teaches *designing* an interface. In the Advisory Action, the Examiner refers to *customizing* or *modifying* the interface. Nevertheless, it is not simply designing an interface that is novel, but rather, applying the claimed models to the interface design. Therefore, because FENG does not teach the claimed interface design, and both FENG and NAHABOO et al. do not teach applying models to interface design, it is requested that the panel indicate the allowability of claim 1.

Similarly, applying models to interactive interface testing is believed to be patentably distinguishable from simply testing, as disclosed by NAHABOO et al. NAHABOO et al. do not discuss customer service representative models, much less applying those models to interactive interface testing. FENG does not contemplate testing. Even if the references were combined, there is no teaching or suggestion of actually incorporating customer service representative models into the testing. Rather, the proposed combination could just as easily (and more likely) result in testing without applying the models. Thus, the proposed combination does not teach or suggest applying models to interactive interface testing.

Claim 1 is limited to interfaces for customer service representatives. In contrast, FENG pertains to creating browsers for browsing the Internet and multimedia applications. Although SZLAM et al. discuss customer agents, SZLAM is not directed to designing a user interface or even user interfaces for that matter. Thus, applicants submit that one of ordinary skill in the art would have no reason to combine SZLAM with FENG and NAHABOO and therefore the Examiner's proposed combination of the references is improper. For this additional reason it is respectfully requested that the panel withdraw the rejections of claim 1.

Applicants further submit that each of independent claims 3 and 11 recite validating targeted user behaviors and user preferences *of the model*. Validating the model helps to determine whether the initial grouping is still accurate. The portion of FENG the Examiner relies upon to show the claimed validating does

not describe any type of validating, much less validation of model characteristics. Based upon the lack of a response to applicants' argument in the Advisory Action and the lack of any relevant citation within FENG, it appears the Examiner concedes that such a teaching is not provided by FENG.

In fact, FENG is not concerned with the actual creation of the model, much less validation. The clear lack of focus on the modeling by FENG deemphasizes the importance of the model itself and suggests the extra step of validating is not necessary for the FENG system. Thus, for at least this additional reason, it is requested that the Panel withdraw the rejections of claims 3 and 11.

With respect to "tracking design requirements for the validated user behaviors and user preferences," applicants again note that FENG is not concerned with the actual interface design process. There is no disclosure or suggestion of interface design requirements, much less the specifics of tracking design requirements. There is no disclosure or suggestion of design requirements based upon user behaviors, or for that matter, validated user behaviors. There is no disclosure or suggestion of design requirements based upon validated user preferences. FENG's system is applicable *after* interfaces have already been designed, merely selecting one of the pre-designed interfaces. How the design occurs, including whether requirements of validated characteristics are tracked, is not part of FENG's system.

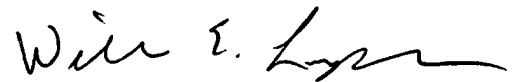
On page 2 of the October 14, 2005, Official Action, the Examiner states "Feng discloses personalization of a user interface and the use of models for defining and tailoring an interface for different types of users" with respect to the

claimed "tracking design requirement" limitations. Such a statement and the cited portion of FENG do not even address the claim language. No *tracking* of any type is even asserted to be present in the applied references.

Claim 11 further recites "integrating user-customization into a design by creating a user-profile in which the users select various navigation preferences and information display choices that can be applied throughout the interface." Although the user of NAHABOO can create objects, the teachings of NAHABOO do not pertain to user profiles. The user profile of FENG is not customizable, is not used in an interface design, and is not created by the user by making selections of various navigation preferences and information display choices.

Clearly, there are a number of claim limitations that the prior art does not teach or suggest or that the Examiner has not even addressed. Accordingly, for all of the many reasons noted above, applicants respectfully request the Pre-Appeal Brief Panel to withdraw the outstanding rejections set forth in the Official Action.

Respectfully submitted,
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January 17, 2006
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